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THE BIBLICAL TEACHING CONCERNING DIVORCE

ERNEST D. BURTON
University of Chicago

II. NEW TESTAMENT TEACHING

In taking up the teaching of Jesus concerning divorce, it will be well to put before us the four passages in which the gospels report that teaching:

MARK 10:2-12

And there came unto him Pharisees, and asked him, Is it lawful for a man to put away *his* wife? tempting him. And he answered and said unto them. What did Moses command you? And they said, Moses suffered to write a bill of divorcement, and to put her away. But Jesus said unto them, For your hardness of heart he wrote you this commandment. But from the beginning of the creation, Male and female made he them. For this cause shall a man leave his father and mother and shall cleave to his wife; and the twain shall become one flesh: so that they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. And in the house the disciples asked him again of this matter. And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her: and if she herself shall put away her husband, and marry another, she committeth adultery.

LUKE 16:18

Every one that putteth away his wife and marrieth another committeth adultery: and he that marrieth one that is

MATT. 19:3-9

And there came unto him Pharisees, tempting him, and saying, Is it lawful *for a man* to put away his wife for every cause? And he answered and said, Have ye not read, that he which made *them* from the beginning made them male and female, and said, For this cause shall a man leave his father and mother, and shall cleave to his wife, and the twain shall become one flesh? So that they are no more twain, but one flesh. What therefore God hath joined together, let not man put asunder. They say unto him, Why then did Moses command to give a bill of divorcement, and to put *her* away? He saith unto them, Moses for your hardness of heart suffered you to put away your wives: but from the beginning it hath not been so. And I say unto you, Whosoever shall put away his wife, except for fornication, and shall marry another, committeth adultery: and he that marrieth her when she is put away committeth adultery.

MATT. 5:31, 32

It was said also, Whosoever shall put away his wife, let him give her a writing of divorcement: but I say unto you,

put away from a husband committeth adultery.	that every one that putteth away his wife, saving for the cause of fornication, maketh her an adulteress: and whoso- ever shall marry her when she is put away committeth adultery.
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Of the various differences in these passages, the most notable is that the two passages on the right hand contain the exceptive clause, "except for fornication," while the two on the left hand omit it. It is in vain to minimize this difference. If the several passages be taken as a formula of practice, they are in direct contradiction with one another. If they are so far removed from a formula of practice as to be expressive of one consistent view, this itself is a fact of cardinal importance for the interpretation of them. Our first duty, then, is to discover, if possible, whether we ought to attribute both forms to Jesus, and, if not, which represents his thought.

There are three principles which may be regarded as practically established by the critical study of the synoptic Gospels: (*a*) The second gospel is one of the sources of the first. (*b*) The first gospel had also among its sources a gospel document containing reports of many of Jesus' sayings; portions at least of this document are found also in the Perean portion of Luke (9:51—18:24; 19:1—28). (*c*) The first evangelist made many minor changes, not only in arrangement, but also in language, in the material which he derived from these sources.

If we bear in mind these general facts, based upon the study of the gospels as a whole, it will appear that Mark 10:2—12 is almost certainly a more primitive report in general than Matt. 19:3—9. The general presumption in favor of the priority of Mark is in this case confirmed by several considerations: (*a*) In Mark (vs. 6) Jesus appeals to an ultimate fact of the constitution of human nature, which he expresses in Scripture language; in Matthew he is made to appeal to the authority of Scripture. The change from the former to the latter is in the direction of transcriptional probability; the change from the latter to the former is against it. (*b*) The pronoun "her" in Matthew (vs. 9) is hopelessly ambiguous if the exceptive clause is retained. Does it refer to the wife put away for fornication, or not for fornication? If to either, then, since the preceding clause speaks

directly of divorce not for fornication, and only by implication of divorce for fornication, the pronoun must refer to the woman divorced without fornication; and in this case it is the innocent woman to whom is denied the right of remarriage. This is logical, in a sense, since it is the innocent woman whose marriage bond to her former husband still continues *de jure*. But did Jesus then mean to say that the remarriage of a guilty wife was permissible, but not that of an innocent wife wrongly divorced? The presence of the exceptive clause in the first sentence makes the second sentence an enigma. (c) It is possible to discover a motive for the addition of the words "except for fornication" in a gospel written for Jews. Jewish morality could not conceive of a stricter rule than this. Perhaps even Jewish Christians could not suppose that Jesus meant to go beyond the strictest rule of the strictest school of the Pharisees. Was he not always more liberal, less rigid, than the Pharisees, as, e. g., in respect to the sabbath, fasting, food? But it is difficult to understand how, if the original saying contained the exceptive clause, there should have been any motive to omit it.

The non-originality of the exceptive clause is further confirmed by its absence from Luke 16:18. For if the change was the omission of the phrase, this change was made by two evangelists independently, while, if it was by insertion, it was made by one only. Or, to speak independently of any theory of the relation of the Synoptists, we have the authority of two gospels for the omission, but of only one for the insertion, of the exceptive clause.

The origin of Matt. 5:31, 32 is not wholly clear. On the one hand, like Matt. 19:9 it contains the exceptive clause and has the same ambiguity and obscurity. On the other hand it differs from all the other passages in that it does not contain the words "and marry another" and as a natural sequel reads not "committeth adultery" but "causeth her to commit adultery." The former fact suggests dependence on the same source as Matt. 19:9 and like treatment of it. The latter fact suggests an independent source. If there was an independent source, the exceptive clause may be an addition to it, as in Matt. 19:9 it is an addition to the Mark source of that passage, or the source may have contained the clause and have been itself the occasion of the modification of Mark 10:11 which the

evangelist has introduced into Matt. 19:9. Either procedure would be wholly in accord with the first evangelist's method in this construction of the discourses of Jesus.

One further consideration is to be mentioned, bearing upon the question whether Jesus may have uttered the saying in both forms, and if not, which is the original form of the utterance. Include the exceptive clause, and the saying ceases to be a simple ethical saying, and becomes legislative, or passes into the realm of casuistry. Now, the testimony of the gospels is, on the whole, unmistakably to the effect that Jesus was not a legislator in his aim, or legislative or casuistic in spirit. He dealt with great principles, not with rules of conduct. This saying concerning divorce, as it stands in the Sermon on the Mount, is out of character with the whole of the rest of the discourse; stands alone in its legislative tone. It is scarcely less true that the two Matthew sayings are out of character with the whole tenor and spirit of Jesus' ethical teaching. He is not a legislator, but a great ethical and religious teacher.

That the original utterance of Jesus did not contain the exceptive clause is then far more probable than either that it did contain it, or that both forms go back to him. We must accordingly seek his teaching in Mark 10:12 and Luke 16:18, or in these passages and Matt. 5:31, 32 less the exceptive clause.

What, then, is the substance of Jesus' teaching? Two facts respecting Jesus' general method of thought and teaching will help to guide us in determining this: (*a*) Jesus summed up the whole of his ethical teaching in the one principle of love—i. e., regard for the well-being of all who are affected by one's action (Matt. 7:12; 22:40). (*b*) He determined his more specific ethical judgments by the combination of this principle with fundamental facts of human nature and experience. Human well-being is the supreme consideration in conduct between man and man; and human experience alone can determine what is for human well-being. It is thus that he deals with the sabbath, with fasting, with clean and unclean meats. It is thus that in Mark 10:1-12 he deals with marriage. The controlling factor is not in what the law of Moses may chance to say, but in the deep fact of sex as an element of human nature. "From the beginning of the creation male and female made he them." It is fair to assume

that these words on Jesus' lips refer, not simply to the physical differentiation of the sexes, which man shares with the lower animals, but to all that sex means in the human species: the relation that it creates between husband and wife as beings of moral nature, human sensibilities, and sexual modesty; between parent and child, with the corresponding obligations of protection and affection and education. Sex means one thing to the dog; it means something very different to civilized man, to whom and of whom Jesus spoke. It is further beyond question that, though Jesus does not here enunciate in terms the principle of love, yet it is the other foundation on which his teaching here rests; for, as remarked above, he makes this the central element, the corner-stone of all his ethical teaching. It is, therefore, as if he had said: Consider the true nature of man, what the fundamental and unchangeable fact of sex means in man, and apply to this the all-inclusive principle of love; the result will be *no divorce*. Every broken marriage is a violation of the fundamental law of man's being—of that which the one principle of regard for human well-being demands in view of what sex means in men.¹

Now, this, which is not only the natural meaning of Jesus' words, but the only conception of his thought which is consistent with his general ethical point of view as clearly indicated by the body of his teaching, itself excludes any such exceptive clause as Matthew supplies. If a husband have a due apprehension of what the relation of husband and wife means, for himself, for his wife, for his children, for society, and if he seriously purposes to govern his conduct by regard for human well-being, will he break up his home because of a burnt dinner? But if not for a burnt dinner, then for what? Will the love that suffers long and is kind, that endureth all things, set a limit to that which it will endure? Are we not to love and to forgive as God loves and forgives? Even the prophet Hosea had learned that the love that is like God's love sets no limit to its forgiveness.

But does this then mean that according to the teaching of Jesus there should never be divorce—never a separation of husband and wife?

¹ It is true that if we disregard Matt. 5:32 entirely, basing our interpretation on Mark 10:12 and Luke 16:18 only, Jesus explicitly condemns only remarriage, not dissolution of the former marriage. But his characterization of marriage after divorce as adultery implies the continuance and perpetuity of the first marriage. Mark 10:12 and Matt. 5:32 (less the exceptive clause) differ in form, not in underlying principle.

Again we have to remind ourselves of the character of Jesus' teaching. Never, unless this is the one case, does he descend to legislation. Are the words, "Give to him that asketh of thee, and from him that would borrow of thee, turn not away," a *rule* of action, to which there are no exceptions in practice? Is it not rather the forceful expression of a principle, to which, just because it is a principle, there can be no exception, but which as a principle is supreme over all rules? Am I to give when to give would be not for but against the well-being of all who are affected by my giving? Surely we have but imperfectly apprehended Jesus if we have not learned that the principle of love is supreme in his teaching, and that it takes precedence over all specific illustrative injunctions. But if we apply this principle to the present case, we gain as the interpretation of Jesus' teaching for practical application substantially this: No marriage is temporary; no divorce is normal; love sets no limit to its endurance; if ever the dissolution of a marriage otherwise than by death is justified, it must be because the circumstances are so abnormal that love itself demands the dissolution; the principle of love must be supreme, and must be applied in view of all the facts, of which most fundamental of all is the nature and consequence of sex in man.

But if this is the teaching of Jesus, if he simply lays bare the fundamental fact and principle that must govern and as in other things leaves all else to others, what does this teaching signify in practical application to life? Let it suffice here to set forth some of the more obvious and important of the implications of this teaching.

1. Since every marriage is for life and every ruptured marriage a crime against nature and love, marriage should never be entered into inconsiderately or with the thought that, if the bond become disagreeable, it may be severed.

2. A marriage once contracted, both husband and wife are under solemn obligation to do nothing that shall endanger its perpetuity; to use all diligence to keep the relation pure, the tie strong. On the one hand, this forbids all conduct of either which could unnecessarily give offense to the other, and, on the other, demands forbearance and readiness to forgive when there has been conduct endangering the harmony and peace of the relationship.

3. No specific wrong can be named as exceeding the limits of

forbearance or forgiveness. Love endureth all things. Adultery is not *per se* an unpardonable sin, or a reason for divorce. The teaching of Hosea is not un-Christian.

4. If, nevertheless, by the conduct of husband or wife it has become evident, after due consideration and the exercise of all possible forbearance by the other, that the continuance of the relationship is against the well-being of those affected by it—the husband and wife themselves, the children, society at large—then the same principle that demands that under no other circumstances shall there be separation, demands that in this case it shall take place. Whether such cause exist cannot be decided by any formulated *rule*. Each case will inevitably be complex, and demand conscientious study. It is very sure that, while adultery would not always demand or justify separation, cases might arise demanding separation even when there had been no adultery.

5. The question of a second marriage after divorce must likewise be decided by principle and not by rule. The well-being of all who are affected by the action is the supreme and only governing consideration. Into the decision of any particular case many elements must necessarily enter: the possibility of reconciliation, the interests of the children, susceptibility to temptation on the part of either man or woman, and, what must never be forgotten, the interest of society at large.

The teaching of the apostle Paul need not detain us long. What he has to say concerning marriage and divorce is found in I Cor., chap. 7, and Rom. 7:2, 3. The former passage is scarcely more than a restatement of the teaching of Jesus and an application of it to the situation in Corinth, qualified in some measure by the apostle's personal preference for celibacy, and his expectation of the near end of the then present order of things. The latter passage refers to the matter only incidentally, but doubtless reflects the apostle's own view. The main elements of his view are:

1. Celibacy is, generally speaking, more desirable than marriage, especially by reason of "the present distress," and because of the tendency of marriage to divide one's allegiance between the Lord and the husband or wife.

2. But marriage is not sinful; as a protection of chastity it may even be necessary.

3. Marriage is properly indissoluble. A Christian husband and wife should never separate. A Christian should never leave even a non-Christian husband or wife.

4. A second marriage, the previous husband or wife still living (cf. Rom. 7:2, 3), is abnormal, and adulterous. If, contrary to principle 3, a wife leave her husband, she should remain unmarried, or return to her husband.

5. Desertion of a Christian husband or wife by the heathen wife or husband dissolves the marriage.

6. Of adultery as a ground of divorce nothing is said. This is negative but valuable evidence as to the form in which Jesus' teaching (vs. 12) had reached Paul, especially in view of the lax standards of sexual morality prevalent among the heathen.

7. The principle that avoidance of temptation to fornication may justify or require marriage when otherwise it would be unadvisable, though not so applied by Paul, seems evidently applicable to the case of divorced persons also, especially to that of one deserted against his will. Yet it is clear that for Paul every broken marriage is a crime on the part of the one responsible for it, and that a second marriage while the former husband or wife is still living is abnormal.

It is thus evident that, though the teaching of Paul concerning marriage is affected by his personal preference for celibacy and his eschatological expectations, concerning the essential indissolubility of marriage once contracted he is at one with the teaching of Jesus if this be interpreted not as statutory, but as expressive of fundamental principles. Paul's fundamental ethical principle also is that of love, that all things should be done for edifying; and he holds his whole doctrine of marriage subject to that principle.

There is, therefore, on the whole, a remarkable unanimity in all the Scripture utterances upon marriage. Marriage is normal, and normal marriage is the indissoluble union of husband and wife for life. This is the biblical doctrine.

The deuteronomic legislation does not hold strictly to this ideal; but even its departure from it, however ill-advised, is with the *intent* of securing the largest practicable realization of it. Ezra breaks with it, but only in the interest of the purity of the Jehovah-religion, and by the annulment of marriages which he doubtless regarded as illegitimate to begin with. Paul depreciates marriage as compared with celibacy, but does not deny its perfect legitimacy, and insists upon its indis-

solubility. The prophets, Hosea and Malachi apparently anticipated Jesus in setting forth the ideal in its purest form.

How does this biblical teaching apply to modern life?

1. It furnishes no immediate basis for legislation that gives into the hands of others than the husband and wife themselves the decision whether a marriage shall continue. The deuteronomic Code prohibits remarriage under certain conditions, and conveys an obscure intimation as to what constitutes ground of divorce; but the decision to divorce the wife or not lies with the husband, not with jury or judge. Jesus addresses men's consciences; he says nothing about legislation. The demand, often made by ecclesiastical assemblies in the name of Christianity, for a statute which shall authorize a court to "grant" divorce for adultery only, has no New Testament basis; first, because there is no sufficient reason to believe that Jesus names adultery or any other specific² cause as a ground of divorce; secondly, because he was not formulating rules, which statutes must always be, but enunciating broad elemental principles; and, thirdly, because he was not speaking of what the law of the state should be, but what the conduct of men should be, and it is by no means to be assumed that the state should endeavor to enforce the precepts which Jesus addressed to men's consciences. Jesus taught men to enter into their closets and pray to the Father in heaven; but no state is competent to enforce obedience to that injunction. Strictly speaking, the demand that legislation should conform to Jesus' teaching would leave the whole matter in the hands of the husband, with state mandate perhaps, but without state control.

2. Yet there must be legislation in the matter of divorce, and some kind of state control. Personal and property rights, and the interests of society, are involved to such an extent that for the protection of its own interests and of the innocent, especially of children, the state must make and execute laws. It cannot find its model in the deuteronomic legislation, for it affords too little protection to wife or child. It cannot find it in the words of Jesus treated as statutory, for the reasons already given. But if the teaching of Jesus in truth embodies the highest ethical principle, and rests upon a sound basis of fact concerning human nature, then the state ought to seek by its legislation

² Even the Matthew text says not "adultery," but "fornication."

to promote in the highest possible measure the realization of that ideal which Jesus sets forth. By what means it can do this is a matter calling for careful investigation.

3. But it is evident that no legislation, however wise and however perfectly executed, is adequate to remedy the evils of divorce. Only right ideals intelligently accepted and conscientiously followed can either prevent those unsuitable and unhappy marriages, which make divorce often seem like the less of two evils, or enable even those who have blundered at the outset to convert defeat into victory by nobly retrieving through patience and forbearance their first error.

4. Effort should be directed, primarily to the prevention of rash and unsuitable marriage. The maxim, "Easy marriage, hard divorce," is the height of folly. The greatest evils under which modern society is suffering in the matter of marriage and divorce would at once be avoided if this principle could be firmly established in the public conscience. The church, the home, the school, and the press should combine to inculcate into the minds of the young right ideals of marriage; and legislation should co-operate to prevent haste and rashness. There is great wisdom in the suggestion of Howard that the state should require publication of intention to marry, and an interval of some months between this publication and marriage itself.

5. In a community possessed of material for such a court and of virtue sufficient to secure the appointment to it of the men fitted for its responsible duties, would not the best method of dealing with all questions of divorce and remarriage be to intrust the decision of them to a court composed of men—or of men and women—of the highest morality and wisdom, and empowered to decide all cases brought before it, guided not by a statute defining what should be considered legal grounds for divorce, but by their own moral sense and insight into the elements and requirements of each case? Is such a court possible in this country? If not, then, because of the hardness of men's hearts, we must put up with less righteous and more crude and mechanical laws, till the tide of intelligence and morality has risen high enough to enable us to do what is ideally best. Meantime our great duty is education, especially of the young, through the inculcation of the principle that marriage is properly indissoluble, and altruistic love its ruling principle and safeguard.